

FILED
Clerk
District Court

SEP 11 2006

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

For The Northern Mariana Islands
By _____
(Deputy Clerk)

CR- 05-00008-001

September 11, 2006
8:35 a.m.

UNITED STATES OF AMERICA -v- LIU, YA JUN aka "CANDACE"

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding
SANAE SHMULL, Court Reporter
MICHELLE C. MACARANAS, Courtroom Deputy
TIM MORAN, Assistant U. S. Attorney
LOREN SUTTON, Counsel for Defendant
LIU, YA JUN, Defendant

PROCEEDING: SENTENCING

Defendant was present with her court appointed counsel, Attorney Loren Sutton. Government by Tim Moran, AUSA. Also present was U.S. Probation Officer, Margarita Wonenberg.

Aby Leung was sworn as interpreter.

Attorney Sutton had no objections but stated that there were some corrections to be made to the Presentence Investigation report paragraph seven and stated the reasons. Court did not make any corrections.

Court adopted the presentence investigation report and instructed the Clerk to file the report, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal. No objection by the parties.

Government had no objection to the advisory guidelines that the Court intends to be guided; Defense had not objections. Court adopted the advisory guidelines.

Government recommended a downward departure pursuant to 18 U.S.C. §3553(e), U.S.S.G. §5K1.1 from level 27 to level 15 and to sentence the defendant to time served. Government further recommended that the defendant be deported by federal authorities out of Guam rather than locally. Defense did not object to the government's recommendation. Court GRANTED the government's motion for departure from level 27 to level 15.

Defendant gave her allocution to the Court.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant **LIU, YA JUN aka Candace**, as to Count I is hereby sentenced to a term of imprisonment of 24 months with credit for time served.

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Upon the completion of sentence, the defendant is ordered to serve **four years supervised release**. The term of supervised release shall include the following conditions:

1. The defendant shall be turned over to a duly authorized immigration official for deportation proceedings pursuant to 18 U.S.C. § 3583(d), and with the established procedures provided by the Immigration and Naturalization Act under 8 U.S.C. § 1101. The defendant shall remain outside the United States and shall not re-enter without the permission of the Secretary of the Department of Homeland Security. The United States includes all of its territories and possessions such as the Commonwealth of the Northern Mariana Islands. If deportation fails to occur and the defendant is released from confinement pending further immigration proceedings, the defendant shall immediately report to the U.S. Probation Office;
2. The defendant shall not commit another federal, state, or local crime;
3. The defendant shall not unlawfully possess a controlled substance and shall refrain from any unlawful use of a controlled substance. The defendant shall submit up to eight drug tests a month for use of a controlled substance;
4. The defendant shall submit to the collection of a DNA sample at the direction of the U.S. Probation Office;
5. The defendant shall comply with the standard conditions of supervised release as adopted by this court;
6. The defendant shall be prohibited from possessing a firearm or other dangerous weapon or have it where she resides;
7. The defendant shall refrain from the use of all alcoholic beverages;
8. The defendant shall participate in a program approved by the U.S. Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs or alcohol. The defendant shall also make co-payment for the program at a rate to be determined by the U.S. Probation Office; and
9. The defendant shall perform 300 hours of community service under the direction of the U.S. Probation Office.

Pursuant to U.S.S.G. § 5E1.2 (a), all fines were waived as it has been determined that the defendant is unable to make the minimum fine payment.

It is further ordered that the defendant pay to the United States a special assessment fee of \$100 to be paid immediately after sentencing.

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No objection to the sentence by the attorneys. Defendant was advised that she had 10 days in which to appeal his sentencing. Further, she was advised that if she cannot afford an attorney for the appeal the Court will appoint one for her.

Court recommended to the U.S. Marshal that the defendant be removed from the Northern Mariana Islands and be moved to Guam until she is deported. Defendant was remanded back into the custody of the United States Marshal.

Adj. 9:25 a.m.

/s/ Michelle C. Macaranas, Courtroom Deputy